

DISTRICT COURT OF MARYLAND FOR FREDERICK COUNTY



LOCATED AT (COURT ADDRESS)
100 WEST PATRICK ST
FREDERICK, MD 21701

COMPLAINT - ASSIGNED CONSUMER DEBT
MD RULE 3-306(D)

COMPLAINT ☒ \$5,000 or under ☐ over \$5,000 ☐ over \$10,000

CV

CASE NO
D-111-CV-20-010785

PARTIES

Plaintiff:

MIDLAND CREDIT MANAGEMENT, INC.
350 Camino De La Reina, Suite 100
San Diego, CA 92108

VS.

Defendant(s):

1.
Kavonte Duckett
1808 COUNTRY RUN WAY
FREDERICK, MD 217025906

Serve by

- ☐ Certified Mail
☒ Private Process
☐ Constable
☐ Sheriff

2.

Serve by

- ☐ Certified Mail
☐ Private Process
☐ Constable
☐ Sheriff

ATTORNEYS

For Plaintiff - Name, Address, Telephone Number & Code
Jessica H. Gibson, Esq. #12520 CPF# 1112140001
Bridget E. M. Mendrygal, Esq. CPF# 1506160209
Nancy F. Loftus, Esq. CPF# 9601040016
Scott T. Whiteman, Esq. CPF# 0411040002
P.O. Box 9329
Catonsville, MD 21228
(866) 300-8750
IL-MD@mcmcg.com

The particulars of this case are Defendant had a credit account with CREDIT ONE BANK, N.A. under account number XXXXXXXXXXXX6667 and went into default thereon. CREDIT ONE BANK, N.A. charged off the credit account on 2020-03-15. Thereafter, Plaintiff acquired all rights, title and interest to the account. Defendant is now indebted to Plaintiff in the amounts stated below. In addition to amounts below, Plaintiff seeks post-judgment interest at the legal rate.

☒ (See Continuation Sheet)

The Plaintiff claims \$558.08, plus interest of \$0.00,

Interest at the ☐ legal rate ☐ contractual rate calculated at 0% from N/A to N/A (____ days x \$____ per day)

Date Date

Total Principal + Interest: \$558.08, plus attorney's fees of \$0.00, plus court costs

Signature of Plaintiff/Attorney/Attorney Code

Printed name: Jessica H. Gibson/Bridget E. M. Mendrygal
Nancy F. Loftus/Scott T. Whiteman
Address: P.O. Box 9329
Catonsville, MD 21228
Telephone Number: (866) 300-8750
Facsimile Number, if any: (877) 411-6864
E-mail Address, if any: IL-MD@mcmcg.com

MILITARY SERVICE AFFIDAVIT

☐ Defendant(s) _____ is/are in the military service.

☒ No Defendant is in the military service. The facts supporting this statement are: See attached

Specific facts must be given for the Court to conclude that each Defendant who is a natural person is not in the military

☐ I am unable to determine whether or not any Defendant is in the military service

I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in the afore-going Affidavit are true and correct to the best of my knowledge, information and belief.

Date: DEC 02 2020

Signature of Affiant

Brian Rothstein
Type or Print Name

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT AND ASSIGNED CONSUMER CHECKLIST (See Plaintiff Notice Attached)
I HEREBY CERTIFY that (1) I am the Plaintiff or Authorized Representative of the Plaintiff herein and that I am competent to testify to the matters stated in the Complaint and in this Affidavit and Checklist, which are made on my personal knowledge, (2) that the Plaintiff is the owner of the debt(s) which is/are the subject of this case, (3) that there is justly due and owing by the Defendant to the Plaintiff the amount(s) set forth in the complaint; and (4) the claim is filed within the statute of limitations.
The following information is provided as required by Rule 3-306(d).

☒ 1. PROOF OF THE EXISTENCE OF THE DEBT OR ACCOUNT - Rule 3-306 (d)(1) (Exhibit A)
Certified or properly authenticated

- ☐ Document signed by the Defendant evidencing the debt or opening of account; or
☒ Bill or other record reflecting purchases, payments, or other use of credit card or account by the Defendant; or
☐ Electronic printout or documentation from the original creditor establishing the account and showing activity by the Defendant;



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MISC



20-254301

Case No. _____

MIDLAND CREDIT MANAGEMENT, INC.
Plaintiffvs Kavonte Duckett
Defendant(s)☒ 2. PROOF OF TERMS AND CONDITIONS - Rule 3-306 (d)(2) (Exhibit N/A)

- ☐ Certified or properly authenticated photocopy or original document showing the terms and conditions of the consumer debt
- ☒ Does not apply because the consumer debt is an unpaid balance due on a credit card, the original creditor is or was a financial institution subject to regulation by the Federal Financial Institutions Examination Council or a constituent federal agency of that Council, and the claim does not include a demand or request for attorneys' fees or interest on the charge-off balance in excess of the Maryland Constitutional rate of six percent per annum

☒ 3. PROOF OF THE PLAINTIFF'S OWNERSHIP - Rule 3-306 (d)(3) (Exhibit A)

Chronological list of names of all prior owners of the debt and date of each transfer (begin with original)

| Name and Date | |
|-----------------------------------|--|
| CREDIT ONE BANK, N.A., 2020-03-15 | Sherman Originator III LLC, 2020-04-20 |
| MHC Receivables, LLC, 2020-04-13 | Midland Credit Management, Inc - CURRENT |

- ☒ Certified or properly authenticated copy of the bill of sale or other document transferring ownership to each successive owner.

☒ 4. IDENTIFICATION AND NATURE OF DEBT OR ACCOUNT - Rule 3-306 (d)(4)

| Name of Original Creditor | Full name of Defendant on Original Account | Last 4 Digits of SSN | Last 4 digits of Orig. Acct. # | Type of Transaction (utility, credit card, consumer loan, etc) |
|---------------------------|--|----------------------|--------------------------------|---|
| CREDIT ONE BANK, N.A. | Kavonte Duckett | XXXXX1599 | XXXXXXXXXX6667 | Credit Card |

☐ 5. FUTURE SERVICE CONTRACT INFORMATION - Rule 3-306 (d)(5)Include facts showing the Plaintiff is currently entitled to an award of damage under the contract N/A☒ 6. CHARGE OFF ACCOUNTS: ACCOUNT CHARGE-OFF INFORMATION - Rule 3-306 (d)(6) (Exhibit A) Charge Off or Final Statement and Seller Data Sheet highlighting Charge Off Balance Where It Appears

- ☒ Date of the Charge-off: 2020-03-15 ☒ Charge-off Balance: \$558.08
- ☒ Additional fees or charges: N/A
- ☒ Post charge-off payments and credits: \$0.00
- ☒ Date of the last payment on debt or last transaction giving rise to the debt: N/A; date of default: 2019-09-13

☐ 7. DEBTS AND ACCOUNTS NOT CHARGED-OFF - Rule 3-306 (d)(7) (Exhibit N/A)

- ☐ Itemized list of all money claimed including principal, interest, finance charges, service charges, late fees, and other fees or charges added to principal by Plaintiff N/A
- ☐ Amount and date of the consumer transaction causing the debt, or for multiple transactions, the amount and date of the last transaction: N/A
- ☐ Statement of the amount and date of the last payment on the debt: N/A

☒ 8. LICENSING INFORMATION - Rule 3-306 (d)(8) List all Maryland Collection Agency Licenses the Plaintiff currently holds.

| Name of Collection Agency | License Number | Name on License | Date of Issue |
|---------------------------------|----------------|--------------------------------|---------------|
| Midland Credit Management, Inc. | 04-4222 | Midland Credit Management, Inc | 2005-09-28 |
| Midland Credit Management, Inc. | 04-6411 | Midland Credit Management, Inc | 2012-10-03 |

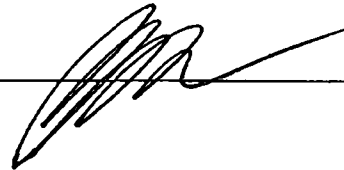
☒ (See Continuation Sheet)

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this Affidavit and Checklist are true and correct.

DEC 02 2020

Date
Address: 16 McLeland Road, Suite 101
St. Cloud, MN 56303
Telephone: (866) 300-8750

Signature of Affiant
Brian Rothstein, Legal Specialist




CONTINUATION SHEET

LIST OF ADDITIONAL MARYLAND COLLECTION AGENCY LICENSES PLAINTIFF CURRENTLY HOLDS

| Name of Collection Agency | License Number | Name on License | Date of Issue |
|----------------------------------|-----------------------|---------------------------------|----------------------|
| Midland Credit Management, Inc. | 04-6675 | Midland Credit Management, Inc | 2013-09-05 |
| Midland Credit Management, Inc | 04-4221 | Midland Credit Management, Inc. | 2005-10-20 |
| Midland Credit Management, Inc | 04-6819 | Midland Credit Management, Inc. | 2014-03-10 |
| Midland Credit Management, Inc | 04-7565 | Midland Credit Management, Inc | 2017-08-01 |
| Midland Credit Management, Inc | 04-3108 | Midland Credit Management, Inc. | 2001-03-16 |
| Midland Credit Management, Inc | 04-7196 | Midland Credit Management, Inc. | 2015-08-26 |
| Midland Credit Management, Inc | 04-2364 | Midland Credit Management, Inc | 1998-06-12 |
| Midland Credit Management, Inc | 04-6766 | Midland Credit Management, Inc. | 2013-11-14 |


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**NOTICE TO DEFENDANT
Before Trial**

If you agree that you owe the amount claimed, you may contact the Plaintiff (Plaintiff's attorney) before the trial date to arrange payment. If you wish to contest any portion of the claim, you should notify the clerk's office by filing a Notice of Intent to Defend (located at the bottom of your summons). The case will be set for trial. If you wish to have your witnesses appear at trial, you should contact the clerk's office at least two weeks before the trial date to request subpoenas, and you should bring to court on the trial date any evidence you want the Court to consider. If you do nothing, a judgment could be entered against you.

If Judgment is Entered Against You (If You Lose)

IF YOU DISAGREE WITH THE COURT'S RULING, you may:

1. **APPEAL** to the Circuit Court, by filing a Notice of Appeal in the District Court within **30 days** after the entry of judgment. You will have to pay a filing fee (See Guide to Appeal Fees – DCA 109A), unless the Court determines that you are indigent. If the amount of the judgment, not counting court costs, interest, and attorney's fees, is:

- **more than \$5,000**, you will also have to order and pay for a transcript of the District Court trial record, by contacting the District Court clerk's office (see Transcripts & Recordings Brochure = DCA 27BR).
- **\$5,000 or less**, you will have a new trial in the Circuit Court.

On your trial date you should bring with you any evidence that you want the Court to consider.

2. File a **MOTION FOR A NEW TRIAL** within **10 days** after the entry of judgment, stating your reasons clearly. If the Court denies your Motion, you may still file an appeal, if the Court grants your Motion, you **must appear** in the District Court for a new trial.

3. File a **MOTION TO ALTER OR AMEND THE JUDGMENT** within **10 days** after entry of judgment.

4. File a **MOTION TO REVISE OR VACATE THE JUDGMENT** within **30 days** after entry of judgment.

IF YOU DECIDE NOT TO APPEAL AND NOT TO FILE ONE OF THE ABOVE MOTIONS, you may contact the Plaintiff or Plaintiff's attorney to arrange to pay the amount owed. If you do not pay the amount owed, the Plaintiff or Plaintiff's attorney may initiate further proceedings to enforce the judgment, including:

1. **Interrogatories**: You must answer these written questions about your income and assets in writing under penalties of perjury.
2. **Oral Examination**: You must appear in court to testify in response to questions about your assets and income.
3. **Writ of Execution**: The Court may issue a writ requiring the sale or seizure of any of your possessions except, with some exceptions, property that is exempt from execution. The exemptions are explained in detail on the reverse side of the Writ of Execution form – DC-CV-040. Further, the Court could order you to pay additional expenses such as towing, moving, storage fees, advertising costs, and auctioneer's fees incurred in executing the writ.
4. **Garnishment of Property**: The Court may issue a writ ordering a bank or other agent to hold your assets until further court proceedings.
5. **Garnishment of Wages**: The Court may issue a writ ordering your employer to withhold a portion of your wages to pay your debt. The law provides certain exemptions from garnishment.

If you have any questions, you should consult an attorney. The clerk of the Court is not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at: http://www.mdcourts.gov/district/public_brochure.html.

NOTICE TO PLAINTIFF

REQUESTING A JUDGMENT BY AFFIDAVIT OR DEFAULT:

Federal Law requires the filing of a military service affidavit. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the court's website at: <http://mdcourts.gov/reference/scra.html>.

AFTER THE COURT ENTERS A JUDGMENT:

1. If the Court enters a judgment for a sum certain, you have the right to file for a lien on real property.
2. If you disagree with the outcome of the case, you have the same post-trial rights as the Defendant does. You may file an Appeal, a Motion for New Trial, a Motion to Alter or Amend the Judgment or a Motion to Revise or Vacate the Judgment. See above for further information concerning these rights.

